

## Fishery Conservation and Management

§ 630.51

north of 5°N. latitude, or landed in an Atlantic, Gulf of Mexico, or Caribbean coastal state.

(d) *Bycatch limits in the non-directed fishery.* Aboard a vessel using or having aboard gear other than drift gillnet, harpoon, or longline, other than a vessel in the recreational fishery—

(1) A person may not fish for swordfish from the North Atlantic swordfish stock;

(2) Except as specified in paragraph (d)(3) of this section, no more than two swordfish per trip may be possessed in the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5°N. latitude, or landed in an Atlantic, Gulf of Mexico, or Caribbean coastal state; and

(3) Aboard a vessel in the squid trawl fishery, no more than five swordfish per trip may be possessed in the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5°N. latitude, or landed in an Atlantic, Gulf of Mexico, or Caribbean coastal state. For the purposes of this paragraph (d)(3), a vessel is considered to be in the squid trawl fishery when it has no commercial fishing gear other than trawl gear aboard and squid constitute not less than 75 percent by weight of the total fish aboard or off-loaded from the vessel.

(e) *Limits during a bycatch closure.* During a closure of the bycatch fishery under paragraph (a)(2) of this section, the provisions of paragraphs (c) and (d) of this section notwithstanding, aboard a fishing vessel, other than a vessel in the recreational fishery—

(1) A person may not fish for swordfish from the North Atlantic swordfish stock; and

(2) No swordfish may be possessed in the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5°N. latitude, or landed in an Atlantic, Gulf of Mexico, or Caribbean coastal state.

[56 FR 65019, Dec. 13, 1991, as amended at 57 FR 34266, Aug. 4, 1992; 60 FR 46778, Sept. 8, 1995; 61 FR 27308, May 31, 1996; 61 FR 34746, July 3, 1996]

### § 630.26 Specifically authorized activities.

NMFS may authorize for the acquisition of information and data, activities

that are otherwise prohibited by these regulations.

## Subpart C—Restrictions on Swordfish Imports

### § 630.40 Applicability.

The policies and procedures contained in 50 CFR 285.80 through 285.86, which implement the provisions of section 6(c) of the Atlantic Tunas Convention Act, 16 U.S.C. 971 *et seq.*, with respect to import controls and which specify procedures for the establishment of restrictions on imports of tuna, apply to swordfish from the North Atlantic swordfish stock.

## Subpart D—Donation Program

SOURCE: 59 FR 55064, Nov. 3, 1994, unless otherwise noted.

### § 630.50 Purpose.

This subpart implements a program under which swordfish from the North Atlantic swordfish stock that are retained in excess of the trip allowance for undersized swordfish specified in § 630.23(b) must be retained for donation through the Second Harvest National Foodbank Network to the needy. This program is intended to obtain additional information regarding the harvest, mortality, and biological characteristics of swordfish less than the minimum size limit and to avoid waste of swordfish that would otherwise be discarded dead.

### § 630.51 Participation.

(a) *General.* Owners of vessels and dealers permitted under § 630.4 may volunteer to participate in the swordfish donation program by contacting the Chief, Highly Migratory Species Division, Office of Fisheries Conservation and Management, NMFS, 1335 East-West Highway, Silver Spring, MD 20910; telephone: (301) 713-2347, facsimile (301) 588-4967. The Chief, Highly Migratory Species Division, will select owners of vessels and dealers who may participate in the donation program and will keep selected vessel owners advised of the selected dealers.

(1) Factors that will be considered in the selection process include: